

**Amendments to the Drawings:**

The attached three sheets of drawings include changes to FIGS. 3, 6c, and 6d. These sheets replace the original sheets depicting FIGS. 1-3, 6c, and 6a, 6b and 6d. FIG. 3 has been amended to have the reference numeral 13 denote the user end with an arrow. In FIG. 6c, the lines from 11 have been made dashed. In FIG. 6d, the line from the uppermost 11 has been made dashed.

A new sheet of drawings shows FIG. 6e which illustrates the features of claim 16.

Attachment: Three (3) Replacement Sheets of Drawings

One (1) New Sheet of Drawings

**REMARKS**

The claims are 1-16 and 24-26. Claims 1-3, 5-6, 8-9 and 11-16 have been amended to better define the invention or to improve their form. In addition, claim 15 has been amended to depend on claim 1, claim 17 has been canceled in favor of new claim 26, and claim 25 has been amended to depend on new claim 26. Support may be found, *iter alia*, in the disclosure in the second full paragraph on Page 4, the first full paragraph on Page 5, the second full paragraph on Page 6, the paragraph bridging Pages 6-7, the paragraph bridging Pages 7-8, the first full paragraph on Page 12, and the drawings. Reconsideration is expressly requested.

The drawings were objected to under 37 CFR 1.83(a) as failing to show the features recited in claim 16. The drawings were also objected to on the basis of certain informalities set forth on Pages 2-3 of the Office Action. In response, Applicants have amended the drawings to show the subject matter of claim 16, by adding new FIG. 6e. Also, the description has been amended to be consistent with FIG. 2, and FIGS. 3, 6c and 6d have been amended, as requested by the Examiner. The Brief Description of the Drawings includes a reference to new FIG. 6e. The Specification on Page 17 has been amended to include a more detailed description of FIG. 6e. It is respectfully submitted

that the foregoing amendments overcome the Examiner's objections under 37 CFR 1.83(a) and the other objections to the drawings set forth in the Office Action, and Applicants respectfully request that the objections on these bases be withdrawn.

The Abstract of the Disclosure was objected to as containing legal terminology. In addition, the Specification was objected to as containing unclear, inexact, or verbose terms. The specification was also objected to as lacking a paragraph number for the paragraph added before line 1 on Page 1 in Applicants' November 1, 2006, as lacking headings, and as failing to indicate what "VI" designates in FIG. 3.

In response, Applicants have amended the Specification including the Abstract to overcome these informalities. With respect to the objection on the basis that the paragraph added before line 1 on Page 1 should include a paragraph number. Applicants respectfully traverse. It is respectfully submitted that it is unnecessary to add paragraph numbers to the specification as such paragraph numbers will not appear in the printed patent and in fact different paragraph numbers have been used in the published patent application. Accordingly, it is respectfully submitted that the Examiner's objection to the Specification on the basis that the paragraph added by Applicants' November 1, 2006 Preliminary Amendment (Cross-

Reference to Related Applications) does not include a paragraph number should be withdrawn.

Claims 9, 12-13, 17 and 25 are objected to because of certain informalities set forth on Page 4 of the Office Action. Claims 1-17 and 24-25 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reasons set forth on Pages 4-5 of the Office Action.

In answer to these formal objections, claim 1 was amended to cancel the terminology "in particular for a baby diaper or an incontinence diaper," "to be assigned" was changed to "adjacent;" and "having a macroscopically structured" was changed to "with a macroscopic structure."

In claims 1 and 2, the reference numerals were cancelled.

In claim 3, "preferably" was cancelled; and "especially preferably at most 600  $\mu\text{m}$ " was cancelled.

In claim 5, "structured" was cancelled.

In claim 6, "preferably" was cancelled.

In claim 8, "edge of the protruding section" was cancelled.

In claim 9, "partially" was cancelled, and "according to along" was cancelled.

In claim 11, "edge" was changed to "end."

In claim 12, "exclusively" was cancelled.

In claim 13, "exclusively" was cancelled.

Claim 14 was amended to specify the grip area.

In claim 15, "wherein" was changed to "comprising."

In claim 16, "wherein" was changed to "comprising." Also, in claim 16 "different macroscopically structured" was changed to "with different macroscopic structures."

In summary, Applicants have amended claims 1-3, 5, 6, 8, 9, 11-16 to improve their form, have canceled claim 17 in favor of new claim 26, and have amended claims 15 and 25 to depend on claims 14 and 17 respectively. It is respectfully submitted that all currently pending claims fully comply with 35 U.S.C. 112, second paragraph, and Applicants respectfully request that the rejections on this basis and on the basis of the informalities noted by the Examiner be withdrawn.

Claims 1-3, 5-15, 17, 24, and 25 were rejected under 35 U.S.C. 102(b) as being anticipated by *Long et al. U.S. Patent No. 6,210,389*. The remaining claims 4 and 16 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Long et al. '389*.

Essentially, the Examiner's position was that *Long et al. '389* discloses the fastening tape and hygiene item recited in the claims except for the features of claims 4 and 16, which were considered within the skill of the art.

This rejection is respectfully traversed.

As set forth in claim 1 as amended, and in new claim 26, Applicants' invention provides a fastening tape for a hygiene item and a hygiene item comprising a diaper and a diaper fastening tape. The fastening tape includes a fastening area for permanent fastening on the hygiene item and a closing area for simultaneous detachable joining to a surface of the hygiene item or diaper. The fastening tape also has a protruding section between the closing area and a tape end adjacent to the closing area. The protruding section has a separate grip area having a surface with a microscopic structure. In this way, Applicants' invention provides a fastening tape and hygiene item containing same, which offers excellent slip prevention to prevent the

user's fingers from slipping off the diaper fastening tape even under adverse use conditions and with a very good cost-benefit ratio, and which can also be adapted flexibly in production to meet customer wishes.

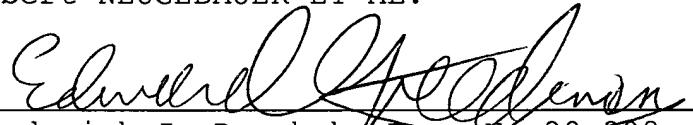
The Examiner's rejection of the claims is predicated on the interpretation that a microscopically structured surface is one in which the surface of the area is microscopic/visible to the unaided eye. It is respectfully submitted that this definition is incorrect and that the term macrosopically structured surface in light of Applicants' disclosure means that the surface of the area is structured in such a way that it is macroscopic/visible to the unaided eye. Therefore, rather than the surface being macroscopic/visible, the structure on the surface is macroscopic/visible. To clarify this point, Applicants have amended claim 1 to specify that the protruding section has a separate grip area having a surface with a macroscopic structure.

As *Long et al.* '389 fails to disclose or suggest a fastening tape with a protruding section having a separate grip area having a surface with a macroscopic structure, it is respectfully submitted that *Long et al.* '389 fails to anticipate or render obvious Applicants' invention as recited in claim 1 as amended, and new claim 26, or claims 2-16 and 24, which depend directly or indirectly on claim 1, and claim 25, which depends on new claim 26.

In conclusion, no prior art reference provides an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102, but is patentable under 35 U.S.C. 103 over the prior art.

In summary, claims 1-3, 5-6, 8-9, 11-16 and 25 have been amended, claims 17-23 have been canceled, and new claim 26 has been added and new FIG. 6e has been added. The Specification including the Abstract and FIGS. 3, 6c and 6d have also been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,  
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Enclosures: 1. Copy Petition 1 Month Extension of Time  
2. Appendix - 3 Replacement Sheets of Drawings and  
1 New Sheet of Drawings  
3. Abstract of the Disclosure

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 2, 2008.

  
Amy Klein